



2673

DOCKET No.: 3250-627

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: YANIV, ZVI                      ART GROUP: 2673  
APPL. NO. 09/241,515                      EXAMINER PATEL, N.  
FILED FEBRUARY 1, 1999                      DOCKET NO. 3250-627  
TITLE: METHOD AND APPARATUS FOR DYNAMICALLY  
PRESENTING A PICTORAL REPRESENTATION

August 27, 2001

**TRANSMITTAL OF RESPONSE TO  
RESTRICTION REQUIREMENT**

RECEIVED

AUG 31 2001

Technology Center 2600

Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith for filing in the above identified patent application,  
please find:

1.   X   2 Page Response to Restriction Requirement
2.   X   Transmittal Letter
3.   X   Return postcard

Applicant respectfully submits that no fees are due in connection with this  
filing.

Respectfully submitted:

SEND CORRESPONDENCE TO:

By: *Kenneth M. Massaroni*  
KENNETH M. MASSARONI

Kenneth M. Massaroni  
3424 Chaselon Court  
Berkeley Lake, GA 30096

Attorney of Record  
Reg. No.: 33,015  
Phone: (770) 623-1495

**CERTIFICATE OF MAILING**

Date of deposit: August 27, 2001

I hereby certify that this paper is being deposited with the United States  
Postal Service on the date indicated above as first class mail in an envelope  
addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

*Kenneth M. Massaroni*  
Kenneth M. Massaroni



#5/26/01  
4-58/1  
10/20/01

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### RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Restriction Requirement issued on August 15, 2001 (paper number 4) in connection with the above captioned patent application. The time for responding to the Restriction Requirement being set to expire on or about September 15, 2001 without extension. Kindly consider the following election and comments.

#### The Restriction Requirement

In the Restriction Requirement of August 15<sup>th</sup>, it was the position of the Patent and Trademark Office that the applicant needed to elect a single disclosed species for prosecution. In particular, the Patent Office issued a six way "genus/species" restriction requirement in which:

Species I is an artistic rendering as a pictorial representation;

Species II is a game board as a pictorial representation;

Species III is a print as a pictorial representation;

Species IV is a mechanical structure in dynamic presentation;

Species V is a projected image in dynamic presentation; and

Species VI is a holograph in dynamic presentation.

#### Comments

Applicant respectfully submits that the Patent Office has misapprehended the invention as is evidenced by the issuance of the instant restriction requirement, and hence respectfully traverses the requirement. Specifically, the Patent Office appears to be focussing on the elements of the pictorial representation as set forth in e.g., claims 10-16 and 28-34 rather than the apparatus for producing the representation

(Claim 1) or the method of doing so (Claim 19), both of which are generic to the proposed species. Moreover, Claims 14-16 and 32-34 present specific elements which may comprise a single region – the dynamic presentation region – as set forth in the corresponding independent claims. Accordingly, applicant respectfully submits that the entirety of the restriction requirement is inappropriate and thus respectfully requests that it be withdrawn. In the alternative, applicant submits that at least species IV through VI are inappropriate and respectfully request that the restriction requirement be withdrawn as to those species.

### Election

Applicant understands that any response to the August 15<sup>th</sup> restriction requirement must contain an election, regardless of whether or not the applicant has chosen to traverse. Applicant therefore elects Species I (an artistic rendering) and submits that independent claims 1 and claims 2-10 and 14-18 depending therefrom, along with independent claim 19 and claims 20-28 and 31-37 depending therefrom all read thereon.

### CONCLUSION

Applicant respectfully submits that he has responded fully to the Restriction Requirement issued August 15, 2001, and therefore asks that the application be given a substantive examination. Applicant also submits that the invention is patentably distinct from any prior art of which he is aware. Should the Patent Office have any questions or comments regarding this response, it is encouraged to contact the undersigned attorney.

Respectfully submitted:

SEND CORRESPONDENCE TO:

By: 

KENNETH M. MASSARONI

Attorney of Record

Reg. No.: 33,015

Phone: (770) 623-1495


Kenneth M. Massaroni  
3424 Chaselon Court  
Berkeley Lake, GA 30096

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Kenneth M. Massaroni

Brewer Shettles  
244 West 101 Street #4B  
New York, NY 10025  
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2165  
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AUG 31 2001

Technology Center 2600

BOX PATENT APPLICATION  
ASSISTANT COMMISSIONER OF PATENTS  
WASHINGTON, DC 20231  
USPTO FAX: 1(703) 308-6306 USPTO FAX: 1(703) 308-6296

August 27, 2001

PRELIMINARY AMENDMENT RE: PATENT PENDING 09/524,314 13-MAR-00 #7499

Dear Commissioner of Patents,

Please add the below into prior claims which are made to depend from the independent claims already on file:

The removable second party memory can be smart card, a memory stick, a floppy memory disk inserted into the second party along with other second memory mass storage devices to store digital audio video data streamed to the second party from the first party via Internet Digital Wireless Satellite Data Transfer.

A stationary second party receiver for featured entertainment purposes includes movie theaters (defined as both home movie theater systems for featured audio/video entertainment as well as public audience movie theaters for featured audio/video entertainment) that can receive and store digital audio video data streamed to the second party from the first party via Internet Digital Wireless Satellite Data Transfer onto removable second memory storage devices similar to handheld cellphone removable memory storage devices but with greater storage capacity and ability.

PATENT REVIEWER: WIN COGGINS 1(703) 308-1344 ART UNIT 2165

Sincerely,

  
Brewer Shettles